

Why do I need to do a PIA?

Section 69(5.3) of the *Freedom of Information and Protection of Privacy Act* (FOIPPA) requires the head of a public body to conduct a privacy impact assessment (PIA) in accordance with the directions of the minister responsible for FOIPPA.

What if my initiative does not include personal information?

Public bodies still need to complete Part 1 of the PIA and submit it along with the signatures pages to their privacy office(r) even if it is thought that no personal information is involved. This ensures that the initiative has been accurately assessed.

Part 1 – General

Name of Department/Branch:	Legislative and Regulatory Services Department, Bylaw and Licensing Services		
PIA Drafter:	Rob Gordon, Information Access and Privacy Analyst		
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1. Description of the Initiative

The Bylaw and Licensing Services Division (BLS) enforces the City's bylaws except for:

- Animal control
- Surface parking
- Moving violations (i.e. motor vehicles)
- Fire protection bylaws (i.e. smoke alarm bylaw, false alarm bylaw)

To perform their duties BLS staff are required to collect, use and disclose personal information. Most of the bylaw enforcement work done by the BLS is for law enforcement purposes (i.e. property conditions, signs, zoning and street vending), but some is not (i.e. returning chattel to owners).

“The goal of BLS is compliance with City bylaws it is responsible for enforcing. The *Community Charter* and *Local Government Act* are the primary legislative authorities that give municipalities the legal right to create, amend, repeal and enforce bylaws. With regard to enforcement, the legislative authority comes from Part 8 – Bylaw Enforcement and Related Matters of the *Community Charter* and the *Local Government Bylaw Notice Enforcement Act*.

2. Scope of this PIA

This PIA will review for compliance with the *Freedom of Information and Protection of Privacy Act* (the Act) the Bylaw and Licensing Services Division. Specifically, the PIA will review:

- Office procedures
- Workstations
- Records management
- Policies and procedures
- Forms that collect personal information
- Interrelationships with other departments and outside agencies that involve the exchange of personal information.

This PIA does not review the Tempest module (Calls For Service) Bylaw uses to electronically manage its work. Tempest is a city-wide system that requires its own PIA.

These BLS policies and directives were reviewed as part of the process to complete this PIA:

- Directive 10-01: Park and Public Space Patrols & Enforcement
- Directive 10-03: Impoundment Procedures for Chattels Found on City Property
- Directive 10-06: Municipal Ticket Information Issuance
- Directive 10-07: Enforcement Operational Administrative Procedures
- Policy 11-01: Undertaking Remedial Action
- Policy 11-02: Bylaw Complaints

3. Related Privacy Impact Assessments

There is no previous or related PIA.

4. Elements of Information or Data

The types of personal information collected from all sources are:

- Offenders, third parties and witnesses first and last name, civic address, postal code, email address, telephone number
- Location and description of incident
- Photos of individuals
- physical description
- Owner vehicle information
- BCDL, DOB
- Biometrics (i.e. height, weight, hair color)
- Race, age or approximate age, gender
- Information about individuals' businesses that are interconnected to their personal lives
- Personal opinions (i.e. how a violation affected an individual personally)

If personal information is involved in your initiative, please continue to the next page to complete your PIA.

Part 2 – Protection of Personal Information

5. Storage or Access outside Canada

There is no storage or access of the personal information outside Canada. The information is stored in hard copy or electronically in these locations:

- The LAN
- File cabinets
- Workstation cabinets
- Tempest

6. Data-Linking Initiative

If you answer “yes” to all 3 questions, your initiative may be a data linking initiative and you must comply with specific requirements under the Act related to data-linking initiatives.

1. Personal information from one database is linked or combined with personal information from another database;	no
2. The purpose for the linkage is different from those for which the personal information in each database was originally obtained or compiled;	no
3. The data linking is occurring between either (1) two or more public bodies or (2) one or more public bodies and one or more agencies.	no

7. Common or Integrated Program or Activity

If you answer “yes” to all 3 of these questions, you must comply with requirements under the Act for common or integrated programs and activities.

1. This initiative involves a program or activity that provides a service (or services);	no
2. Those services are provided through: (a) a public body and at least one other public body or agency working collaboratively to provide that service; or (b) one public body working on behalf of one or more other public bodies or agencies;	no
3. The common or integrated program/activity is confirmed by written documentation that meets the requirements set out in the FOIPP regulation.	no

8. Personal Information Flow Diagram and/or Personal Information Flow Table

i. Collection

- BLS online complaint form
- Forwarded to BLS from VicPD (i.e. submitted to VicPDs online traffic and crime reporting system).
- By phone or Fax
- In person
- Observation

a. **Creating Bylaw complaint files:**

- All bylaw violation complaints are entered into Tempest's Calls for Service module All Officers and Bylaw Clerk do this task.
- Bylaw staff can enter a new complaint into Tempest and the entry date is logged, but who created the entry is not tracked.
- Complaints are normally vetted by a Senior Bylaw Officer then the Bylaw Clerk is notified to create a file and assign to an Officer (email process).
- Usually complaints are not entered into the module until their validity is confirmed except When a valid bylaw complaint is entered as a Call for Service, but later turns out to be "unfounded".
- Urgent verbal complaints may not be entered until reviewed by BLS Manager or a Senior Bylaw Officer.
- Complaint response may precede data entry.
- Each Officer creates his or her own hard copy files.
- Not all complaints entered into Tempest as a Call for Service have a case file created

b. **Access to personal information:**

All Bylaw Officers have access to their open and closed "Call For Service" files and the open and closed files of the other officers. The BLS Manager has access to all open and closed files in tempest or on the LAN.

- The Bylaw Clerk has the same access as Officers. Tempest does not have the functionality to provide partial access – it's all or nothing.
- All BLS staff can access the file cabinet containing the closed files.

ii. Use of personal information

a. **Processing new complaints:**

Once collected and stored in the above locations Bylaw Officers investigate bylaw infractions to determine whether or not to issue a violation ticket, issue a warning, pursue court action and/or initiate remedial action directly or through Council. If any enforcement action is initiated beyond a warning, the accused person has a right to dispute the allegations in court or before Council depending on the enforcement action initiated.

Various bylaws contain provisions that allow for escalating enforcement action for continued or repeat offences, compliance records are kept for a lengthy period so that any non-compliance by a

person that is detected can be checked to determine if the subject has a previous record of non-compliant behaviour.

Bylaw Officers will also document interactions with persons encountered in the community related to bylaw non-compliance making special note if the person's behaviour was threatening or violent in nature. This information allows officers to be prepared should the need arise to contact a specific individual in a future circumstance.

The Victoria Police Department will also share information about violent or dangerous subjects that Bylaw Officers may encounter in the community, to enhance officer safety. Conversely, BLS will share similar information with the police – or directly contact police if police intervention is required in a specific situation.

b. Uses of personal information:

A primary use of the personal information is to contact offenders, complainants, third parties and witnesses. The personal information gathered is part of the evidentiary requirements to pursue the uses listed below (i.e. an offender must be described sufficiently to prevent imposing a penalty or sanction against the wrong person).

Legislation provides the City with the power to enforce bylaws. To ensure the bylaws are enforced within the legislation, BLS must gather specific types of personal information (i.e. vehicle offender drives, location of their home, description of their activities).

Most importantly, the personal information is necessary to be able to successfully pursue the list of uses below.

c. Specific uses of the personal information:

- Demonstrate that BLS is enforcing bylaws fairly, consistently and without bias or in a vindictive manner
- Determine if a complaint is legitimate
- Determine a complaint's potential to be successfully pursued
- Issue violation tickets
- Issue warnings to offenders
- Issue orders
- Impose administrative sanctions
- Prosecute offenders
- Seek injunctions against offenders
- So that individuals can claim seized/impounded chattels

iii. Disclosure of personal information

We disclose personal information to:

- The courts and City solicitor for the prosecution of a case.
- Finance and Permits & Licensing staff for determination of permits and licences
- The police for joint investigations or because subjects who may pose a physical threat to police officers
- Other Bylaw enforcement staff in other jurisdictions investigating the same subjects or because subjects may pose a physical threat to bylaw officers

We disclose name, DOB, Address and contact information in most cases in hard copy, verbally, or email.

Officers usually do their own disclosures, but will check with the manager if there are concerns about information sharing.

Business licence process:

The Bylaw Officer responsible for business licensing (the “Licence Inspector”) works with Department of Finance staff to process business licence applications. The Licence Inspector performs a compliance history review on all new licence applications. The review consists of reviewing the applicant’s history of municipal offenses, calls for service related to the land or building that is the subject of the application and may also include a criminal record check.

The information below was provided by the Licence Inspector or excerpted from the Business Licensing Policy and Procedures Manual

Collection of Personal Information

The Licence Inspector receives an email from Public Service Counter staff that:

- Includes a copy of the completed business licence application
- Supporting documentation (e.g. Transport Canada Compliance Notice or Certificate of Inspection)

For escorts and escort agencies, the Licence Inspector confirms this personal information:

- The applicant is at least 19 years of age (e.g. birth certificate)
- The applicant’s name, residential address and telephone number
- The address of the place where the applicant proposes to work as a body massager, an escort, an encounter counsellor or a model
- Documentary evidence of the applicant’s identity, including a Social Insurance or Social Security Number
- The Licence Inspector may interview the applicant and seek additional personal information required to determine eligibility for the licence

Use of Personal Information

The Licence Inspector uses the personal information received for these purposes:

- To request a criminal records check in accordance with section 8 of the Business Licence Bylaw
- To Check Tempest for past bylaw infractions
- To check with other municipalities for previous bylaw infractions
- To confirm compliance with the Auctioneer Bylaw:
 - The applicant does not have a pawnbroker licence
 - The applicant will not carry out business in a pawnbroker establishment
- To confirm compliance with the Bicycle Courier Bylaw:
 - The applicant has \$1,000,000.00 public liability insurance
 - A list of all bicycle couriers who are officers, agents or employees of the business
 - Proof that each bicycle courier has successfully completed a written traffic examination and on-road traffic test conducted by the Vancouver Island Safety Council
- To confirm compliance with the Vehicle for Hire Bylaw:

- The Licence Inspector will collect personal contact information for the purpose of holding a lottery to allocate available licences

Disclosure of Personal Information

For the purposes of completing compliance reviews in accordance with City bylaws, in particular the Business Licence Bylaw, the License Inspector discloses personal information to these public bodies:

- City of Victoria Department of Finance
- Vancouver Island Health Authority
- Victoria Police Department
- Victoria Fire Department
- BC Community Housing
- Other municipalities with regards to inter-municipal business licences. (There is an inter-municipal agreement with the thirteen outlying municipalities that allows businesses to apply for a licence in the municipality in which they reside, and use that licence to operate within the thirteen municipalities. This information is not accessible to the other business licence inspectors, so this information is shared usually in a verbal, and or e-mail sharing venue.)
- MyCity Online, but just disclosure to the people the personal information belongs to

Storage, Access, Protection

Completed business licence applications and required supporting documentation are stored in the Business License module of Tempest.

Sensitive personal information (e.g. criminal record) is kept in BLS' Calls for Service database which is more secure than the Business Licence module of Tempest (less people have access).

The Escort Agencies and individual Escort applications in hard copy files are kept in a separate, locked cabinet, in the Licence Inspector's office. The BLS Manager, Senior Bylaw Officers and the Licence Inspector have access to this cabinet. Other Bylaw files are kept in another locked file drawer in the office and this drawer is locked every evening.

Personal Information Flow Table			
	Description/Purpose	Type	FOIPPA Authority
1.	Bylaw complaint received	Collection	26(c)
2.	Police or other city bylaw staff disclosure	Collection	33.2(e), 33.2(i)(i)
3.	Bylaw staff disclose to Police or other City bylaw staff	Use & Disclosure	32(c), 33.2(e), 33.2(i)(i)
4.	To the Department of Finance for processing licence applications	Use & Disclosure	32(a), 32(c), 33.2(a), 33.2(c),
5.	To the Bylaw Licensing officer	Collection & use	26(c), 26(d), 32(a), 32(c)
6.	To third parties to investigate bylaw complaints	Use &	32(a), 33.2(a)

		disclosure	
7.	To legal counsel and the courts	Use & Disclosure	32(a), 32(c) 33.1(1)(g), 33.2(c)

9. Risk Mitigation Table

Risk Mitigation Table				
	Risk	Mitigation Strategy	Likelihood	Impact
1.	Bylaw officers bring personal information into the field	They only bring what they need and it is kept with them or locked in the work vehicle and they don't take files home.	Low	medium
2.	Access to bylaw files in Tempest	Access permissions, Tempest is protected inside the City's secure network.	medium	medium
3.	Leaving files on desk or file cabinet unlocked overnight	Procedures, training, requirements of job.	Low	medium
4.	Access by other City staff for purposes unrelated to work	Tracking/audit abilities, policy, privacy training and fear of losing job	Low	medium
5.	Disclosing to wrong recipients	Policy and procedures	Low	medium

10. Collection Notice

i. Direct collection:

- The online complaint form
- Letters, emails or phone calls to BLS staff
- The VicPD online crime and traffic reporting system (limited access for BLS)
- From VicPD who respond to bylaw complaints after hours (i.e. noise complaint at 2 am Sunday morning). Case specific only
- Witnesses
- Other City departments forwarding complaints
- Offenders

ii. Indirect collection:

- Any permit or licence issuing section/department or tax collection function of the City may be checked by BLS staff as part of an investigation
- VicPD (i.e. criminal history of a residence, business?) which is very limited & case specific
- ICBC which provides licence plate ownership info.
- Observation

iii. Collection methods:

- BLS online complaint form

- Forwarded to BLS from VicPD (i.e. submitted to VicPDs online traffic and crime reporting system).
- By phone, Fax or email
- In person
- Observation

Part 3 – Security of Personal Information

11. Please describe the physical security measures related to the initiative (if applicable).

Access to the BLS offices are restricted to City staff and there is a locked door between the public counter and the bylaw staff workstations. No computer screens are visible from the public counter. Files not in use are kept in a locked file cabinet. Active files in Bylaw officers workstations are locked at night and a clean desk policy is practiced.

Bylaw officers' Blackberries do not have access to Tempest and auto-lock. They do not hold personal information from files, but personal information in email attachments may contain personal information.

12. Please describe the technical security measures related to the initiative (if applicable).

BLS information is protected by firewalls and other security measures provided by the City's secure network. Workstations require user ids and passwords and the Tempest module BLS uses also requires user ids and passwords.

13. Does your branch/department rely on any security policies?

The policies referenced above contain language regarding the secure management of personal information

14. Please describe any access controls and/or ways in which you will limit or restrict unauthorized changes (such as additions or deletions) to personal information.

The policies referenced above contain language regarding the secure management of personal information.

15. Please describe how you track who has access to the personal information.

The policies referenced above contain language regarding the secure management of personal information.

A Tempest PIA has been initiated to identify its audit capabilities.

Part 4 – Accuracy/Correction/Retention of Personal Information

16. How is an individual's information updated or corrected?

Personal information is either collected directly from individuals or reviewed with individuals during the course of investigations to confirm its correctness. Individuals would have to request their personal information under FIPPA's access provisions, review it, and identify for staff their personal information that would need to be corrected. Proof would be required that correction was required. If not, annotations would be inserted where the personal information was in the file. Electronic files would also be updated or annotated and if the personal information was disclosed, then the other organizations would be advised.

17. Does your initiative use personal information to make decisions that directly affect an individual(s)? If yes, please explain.



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Yes, people who have contravened a bylaw may be fined, prevented from doing work on their home, required to apply for permits etc.

18. If you answered “yes” to question 17, please explain the efforts that will be made to ensure that the personal information is accurate and complete.

The personal information is obtained within a law enforcement environment. Complainant's identities are confirmed by contacting them using the contact information they provide. This can be email, over the phone or in person. The person that is the subject of a complaint is interviewed and his personal information obtained from directly from him or her, or via government systems.

19. If you answered “yes” to question 17, do you have a records retention and/or disposition schedule that will ensure that personal information is kept for at least one year after it is used in making a decision directly affecting an individual?

Yes. Schedule Number 1161, CY+2/7/SR

Part 5 – Further Information

20. Does the initiative involve systematic disclosures of personal information? If yes, please explain.

No. There are times when personal information will be shared with the police, but this is only one or two times a month. Legal counsel also receives personal information, but this is on an as and when needed basis.

21. Does the program involve access to personally identifiable information for research or statistical purposes? If yes, please explain.

No

Please ensure Parts 6 and 7 are attached to your submitted PIA.

Part 6 – Information Access and Privacy Analyst’s Recommendations

1. Staff take the privacy training course as soon as reasonably possible.
2. Review the S drive for:
 - a. personal information in BLS folders and remove the personal information that does not have the proper access controls to it (e.g. only those with a “need to know” should have access)
 - b. Personal information that is no longer part of active bylaw investigations
 - c. Personal information that is no longer required to be kept can be destroyed (e.g. duplicate personal information, personal information collected, but subsequently no needed).
3. Review access permissions to Tempest to ensure they are current.
4. Review Tempest security measures for compliance with the legislated requirement for “*reasonable security arrangements.*”
5. Review access permissions to confirm that the “least privilege principle” is being practiced.

“Every program and every user of the system should operate using the least set of privileges necessary to complete the job. Primarily, this principle limits the damage that can result from an accident or error. It also reduces the number of potential interactions among privileged programs to the minimum for correct operation, so that unintentional, unwanted, or improper uses of privilege are less likely to occur. Thus, if a question arises related to misuse of a privilege, the number of programs that must be audited is minimized.”

6. Build privacy language into existing policies and directives using the suggestions provided by the Information Access and Privacy Analyst.
7. Create written procedures when disclosing personal information to other City Departments, law enforcement agencies and/or legal counsel (in-house or outside the City).
8. Review LAN user groups to make sure they are current and only those staff with a “need to know” have access.
9. Create awareness to keep personal information kept out of sight when taken into the field and locked in a vehicle.



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Part 7 - Program Area Signatures

Bob Gordon

Privacy Officer/Privacy Office
Representative

[Signature]

Signature

Dec 2/14

Date

Mark Hayden

Program/Department Manager

[Signature]

Signature

2014/12/02

Date

JULIE LICKEVICH

Head of Public Body, or designate

[Signature]

Signature

Dec. 2, 2014

Date

A final copy of this PIA (with all signatures) must be kept on record.